

Amendment No. 5 to HB0142

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 1*

House Bill No. 142

by amending SECTION 4 to add the following new subsection (c):

(c) The judges of the court of appeals shall be elected by the qualified voters of the state in a statewide retention election conducted in accordance with title 17, chapter 4, part 1. Vacancies on the court of appeals shall be filled by the governor in accordance with title 17, chapter 4, part 1.

AND FURTHER AMEND by inserting the following new SECTION 19 and renumbering the subsequent sections accordingly:

SECTION 19. Tennessee Code Annotated, Section 16-5-103, is amended by deleting subsection (a) and substituting instead the following:

(a) The judges of the court of criminal appeals shall be elected by the qualified voters of the state in a statewide retention election conducted in accordance with title 17, chapter 4, part 1. Vacancies on the court of criminal appeals shall be filled by the governor in accordance with title 17, chapter 4, part 1.

AND FURTHER AMEND by designating the amendatory language of SECTION 7 as subsection (a) and adding the following new subsection (b):

(b) If a vacancy occurs in the office of a chancellor, circuit court judge, criminal court judge, or judge of any other state trial court of record, the vacancy shall be filled in accordance with title 17, chapter 4, part 3.

AND FURTHER AMEND by deleting from SECTION 9(a)(1) the language “or is not retained in a retention election held at the end of an eight-year term”.

AND FURTHER AMEND by deleting SECTION 10(b) and substituting instead the following:

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(b) The standing committee of the general assembly to which a notice of appointment pursuant to § 17-4-102(a) is referred may request the governor to provide any report relating to the appointee that the governor has received from the Tennessee bureau of investigation. If the governor has not received any such reports or if the governor has not furnished such reports in a timely manner, the standing committee may request the Tennessee bureau of investigation, as authorized by § 38-6-106(g), or other appropriate agencies, to perform appropriate financial and criminal background investigations and inquiries regarding the appointee.

AND FURTHER AMEND by deleting from 17-4-102(c) of the amendatory language of SECTION 10 the language “The chair of any” and substituting instead the language “Any”.

AND FURTHER AMEND by deleting 17-4-105(b) of the amendatory language of SECTION 13 and substituting instead the following:

(b) A judge, who has been appointed and confirmed to fill a vacancy for an unexpired eight-year term on the supreme court, the court of appeals, or the court of criminal appeals shall stand for retention election at the next biennial election recurring more than thirty (30) days after the vacancy occurs for the remainder of the eight-year term.

AND FURTHER AMEND by adding the following new subsection to 17-4-301 of the amendatory language of SECTION 17:

(d) In making appointments to the trial court vacancy commission the speaker of the senate and speaker of the house of representatives shall strive to ensure that at

least one (1) person appointed to serve on the commission is sixty (60) years of age or older, and that at least one (1) person appointed to serve on the commission is a member of a racial minority. Appointments made after July 1, 2015, shall alternate such that every other appointment of a new member to the board shall be a female until the membership of the board reflects the percentage of females in the population generally.

AND FURTHER AMEND by deleting the final sentence of 17-4-303(a) of the amendatory language of SECTION 17 and substituting instead the following:

This subsection (a) shall not apply to any employee of the attorney general and reporter, except the attorney general and reporter and the solicitor general, any of whom shall be eligible to serve as a member of the trial court vacancy commission.

AND FURTHER AMEND by deleting from 17-4-304(a) and (b) and 17-4-308(a) of the amendatory language of SECTION 17 the language “May 1, 2015” and substituting instead the language “July 1, 2015”.

AND FURTHER AMEND by deleting 17-4-308(g) of the amendatory language of SECTION 17 in its entirety and substituting instead the following:

(g)

(1) The application for the position of trial judge shall contain an authorization form permitting the commission to request from the board of judicial conduct and the board of professional responsibility any information, records, files, or other documents, whether in an electronic format or written form, that the board or commission maintains on the applicant. Signing the authorization form has the effect of waiving any statutory or common law confidentiality that may attach to those documents.

(2) If an applicant signs the authorization form, upon request of the commission, the board of judicial conduct and the board of professional responsibility shall furnish the commission with all information, records, files, or

other documents, whether in an electronic format or written form, that the board or commission maintains on a person who applies to be a candidate to fill a trial court vacancy.

(3) If the applicant does not sign the authorization form, the commission shall not request any information from the board of judicial conduct and the board of professional responsibility that is not public, and the commission shall evaluate the applicant without that information.